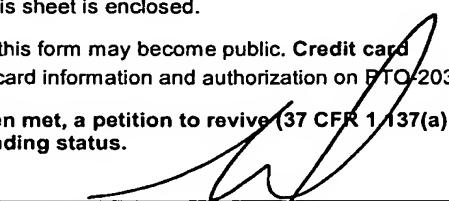


FORM PTO-1390 (Modified) U.S. PATENT AND TRADEMARK OFFICE; U.S. DEPARTMENT OF COMMERCE (REV. 12-2004)		ATTORNEY'S DOCKET NUMBER <b>588.1050</b>
<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371</b>		U.S. APPLICATION NO. (if known, see 37 CFR 1.5) <b>107538719</b>
INTERNATIONAL APPLICATION NO. <b>PCT/EP2003/014150</b>	INTERNATIONAL FILING DATE <b>12 December 2003</b>	PRIORITY DATE CLAIMED <b>13 December 2002</b>
TITLE OF INVENTION <b>AXIAL PISTON MACHINE</b>		
APPLICANT(S) FOR DO/EO/US <b>SEIPEL et al.</b>		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<ol style="list-style-type: none"> <li>1. <input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a submission under 35 U.S.C. 371.</li> <li>2. <input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a submission under 35 U.S.C. 371.</li> <li>3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.</li> <li>4. <input checked="" type="checkbox"/> The US has been elected (Article 31).</li> <li>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371 (c)(2)) <ul style="list-style-type: none"> <li>a. <input checked="" type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input checked="" type="checkbox"/> has been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li> </ul> </li> <li>6. <input checked="" type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). <ul style="list-style-type: none"> <li>a. <input checked="" type="checkbox"/> is attached hereto.</li> <li>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</li> </ul> </li> <li>7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3)) <ul style="list-style-type: none"> <li>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> have been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li>d. <input checked="" type="checkbox"/> have not been made and will not be made.</li> </ul> </li> <li>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</li> <li>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).</li> <li>10. <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).</li> <li>11. <input type="checkbox"/> A copy of the International Preliminary Examination Report (PCT/IPEA/409).</li> <li>12. <input checked="" type="checkbox"/> A copy of the International Search Report (PCT/ISA/210).</li> </ol>		
Items 13 to 23 below concern document(s) or information included:		
<ol style="list-style-type: none"> <li>13. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</li> <li>14. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</li> <li>15. <input type="checkbox"/> A <b>FIRST</b> preliminary amendment.</li> <li>16. <input type="checkbox"/> A <b>SECOND</b> or <b>SUBSEQUENT</b> preliminary amendment.</li> <li>17. <input type="checkbox"/> A substitute specification.</li> <li>18. <input type="checkbox"/> A power of attorney and/or change of address letter.</li> <li>19. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.</li> <li>20. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).</li> <li>21. <input type="checkbox"/> A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).</li> <li>22. <input checked="" type="checkbox"/> Express Mail Label No. <b>EV 382 793 639US</b></li> <li>23. <input checked="" type="checkbox"/> Other items or information: <ul style="list-style-type: none"> <li>- Letter re: Priority;</li> <li>- Application Data Sheet.</li> </ul> </li> </ol>		

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO (if known) see 37 CFR 1.16 <b>107538719</b>		INTERNATIONAL APPLICATION NO. <b>PCT/EP2003/014150</b>		ATTORNEY'S DOCKET NUMBER <b>588.1050</b>											
24. The following fees are submitted: <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="text-align: left;">Applicant use</th> <th style="text-align: left;">Office use</th> </tr> <tr> <td>\$ 300.00</td> <td></td> </tr> <tr> <td>\$ 200.00</td> <td></td> </tr> <tr> <td>\$ 500.00</td> <td></td> </tr> <tr> <td><b>TOTAL OF ABOVE CALCULATIONS = \$1000.00</b></td> <td></td> </tr> </table> <p><input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.</p>						Applicant use	Office use	\$ 300.00		\$ 200.00		\$ 500.00		<b>TOTAL OF ABOVE CALCULATIONS = \$1000.00</b>	
Applicant use	Office use														
\$ 300.00															
\$ 200.00															
\$ 500.00															
<b>TOTAL OF ABOVE CALCULATIONS = \$1000.00</b>															
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole)		RATE											
27 - 100 = -73	/50 = 0			x \$250.00	\$ 0.00										
Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492(e)).															
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE												
Total claims	19 - 20 = 0		x \$50.00	\$ 0.00											
Independent claims	2 - 3 = 0		x \$200.00	\$ 0.00											
MULTIPLE DEPENDENT CLAIMS (if applicable) <input type="checkbox"/>			+ \$360.00	\$ 0.00											
<b>TOTAL OF ABOVE CALCULATIONS = \$1,000.00</b>															
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.															
<b>SUBTOTAL = \$1,000.00</b>															
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).															
<b>TOTAL NATIONAL FEE = \$1,000.00</b>															
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property + \$ 0.00															
<b>TOTAL FEES ENCLOSED = \$1,000.00</b>															
Amount to be refunded:															
Amount to be charged:															
a. <input checked="" type="checkbox"/> A check in the amount of \$ <u>\$1,000.00</u> to cover the above fees is enclosed.															
b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of _____ to cover the above fees. A duplicate copy of this sheet is _____.															
c. <input checked="" type="checkbox"/> The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>50-0552</u> . A duplicate copy of this sheet is enclosed.															
d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO 2038.															
NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.															
SEND ALL CORRESPONDENCE TO:  Davidson, Davidson & Kappel, LLC William C. Gehris, Esq. 485 Seventh Avenue, 14th Floor New York, NY 10018 USA															
 SIGNATURE <u>Cary S. Kappel</u> NAME <u>36,561</u> REGISTRATION NUMBER															

10/538719

## Certificate of Express Mailing under 37 CFR 1.10

JC17 Rec'd PCT/PTO 13 JUN 2005

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 in an envelope addressed to:

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Alexandria, VA 22313-1450

on June 13, 2005.

Date

Randolph McQueen  
\_\_\_\_\_  
Signature

Randolph McQueen

Typed or printed name of person signing Certificate

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Re.: Docket No.: 588.1050  
Applicant(s): SEIPEL et al.  
Serial No.: To be assigned  
Invention: AXIAL PISTON MACHINE  
Filing Date: Herewith

- Transmittal Letter to the U.S. Designated/Elected Office Concerning a Filing Under 35 U.S.C 371 (2 pages);
- Copy of Int. Patent Application PCT/EP2003/014150 (29 pages)
- Int. Search Report (6 pages);
- Translation of Int. Patent Application PCT/EP003/014150 (17 pages);
- Ten (10) Sheets of Drawings;
- Preliminary Amendment with One Replacement Sheet (10 pages);
- Unexecuted Declaration and PoA (2 pages);
- Application Data Sheet (3 pages);
- Letter re: Priority (1 page);
- Information Disclosure Statement w/ PTO 1449 and Copies of Cited References;
- Check for \$ 1,000.00;

This collection of information is required by 37 CFR 1.10. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.